



13 JAN 2005

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In re Application of :  
SMITH, Kyle L. :  
U.S. Application No.: 10/519,515 :  
Filing Date: 07 December 2004 :  
Attorney Docket No.: 681132-2 :  
For: COMPOSITIONS FOR IMPROVING :  
MENTAL PERFORMANCE :

**DECISION ON  
PETITION FOR REVIVAL  
UNDER 37 CFR 1.137(b)**

This decision is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" filed on 07 December 2004 to revive international application PCT/US02/21062 which was abandoned under 35 U.S.C. 371(d) and is hereby **GRANTED** as to the present U.S. national application as follows:

International application PCT/US02/21062 became abandoned as to the United States of America for failure to pay the basic national fee by 05 January 2004. The filing of the present continuing application under 35 U.S.C. 111(a) is accepted as an appropriate response under 37 CFR 1.137(b). The \$685.00 petition to revive fee has been paid. Applicants' statement in the petition regarding the delay satisfies the requirement of 37 CFR 1.137(b)(3).

International application PCT/US02/21062 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 10/519,515.

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a) with a filing date of 07 December 2004.

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